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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,287	09/30/2003	Jeyhan Karaoguz	14794US02	5434
7590 Christopher C Winslade McAndrews Held & Malloy Ltd 500 Wes Madison St 34th Floor Chicago, IL 60661			EXAMINER MENDOZA JR, FORGE	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 06/02/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,287

Applicant(s)

KARAOGUZ ET AL.

Examiner

JORGE MENDOZA JR

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims **1-31** are presented for Examination.
2. Claims **1, 2, 6-12, 16-21, & 27** have been amended.

Drawings

3. The drawings were received on **02/19/2008**. These drawings are accepted.

Response to Arguments

4. Applicant's arguments with respect to Claims **1-31** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims **1-5, 8-15, 18-25, and 28-31** are rejected under 35 U.S.C. 102(e) as being anticipated by **Novak (US PGPUB 2002/0104099 A1)**.

With respect to Claim 1, the claimed *"locating media stored locally at least at a first location in the communication network; organizing, at said first location, said located media and at least a portion of broadcast media and/or transferred media into channels"* is met by the Novak reference that teaches an upload source 122 sending media files to a local studio 106 and having control as to their scheduling in a 'synthetic' channel- whereby uploaded media files may consist of recorded audiovideo clips of television programs (Figs.1,4; paragraphs 0010, 0026, 0039, 0041, 0056, & 0057).

The claimed *"transparently transferring from said first location, at least a portion of said organized channels to at least a second location within the communication network"* is met by the Novak reference that teaches a user at a second location 152 receiving media files associated with the 'synthetic' channel when it is selected for viewing- whereby a 'synthetic' channel is added to an user's EPG 153 at a 2nd location, via an emailed token or other electronic file which allows for a 'transparent' addition of the 'synthetic' channel since the user at the 2nd location is unaware of the process in which the 'synthetic' channel is added to their EPG (Figs.1,2,4,11; paragraphs 0041, 0058, 0059, 0085, & 0086).

With respect to Claim 2, the claimed *"displaying said organized channels in at least one constructed display"* is met by Novak teaching the use of a display 154 at a second location 152 for displaying a synthetic channel 804 listed on an EPG 802 (Figs.1 & 8; paragraphs 0026 & 0071).

With respect to Claim 3, the claimed *"constructed display is at least one of a media guide, device guide and a channel guide"* is met by Novak teaching the use of an EPG 802 in displaying a 'synthetic' channel listing (Fig.8; paragraph 0071).

With respect to Claim 4, the claimed *"constructed display is formatted as a graphical user interface"* is met by Novak teaching an EPG 802 that is configured to access media displayed in a 'synthetic' channel listing once it has been selected (Fig.8; paragraph 0072).

With respect to Claim 5, the claimed *"constructed display is displayed at least at one of said first location and said second location"* is met by Novak that teaches the use of a display 154 at a second location 152 (Fig.1; paragraph 0038).

With respect to Claim 8, the claimed *"transparently transferring media corresponding to at least said second location"* is met by Novak teaching media being sent to a 2nd location 152 once a 'synthetic' channel is selected on the EPG 153 (Fig.1; paragraphs 0059 & 0085).

With respect to Claim 9, the claimed *"updating an existing constructed display at said second location to reflect said transparently transferred at least a portion of said organized channels"* is met by Novak teaching an EPG 153 being updated with media programs on a 'synthetic' channel created by an uploading source 122 (Fig.1; paragraphs 0041, 0059, & 0083).

With respect to Claim 10, the claimed *"authorizing said transparent transfer of said at least a portion of said organized channels to at least said second location"* is met

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by Novak teaching the use of a 'token' to subscribe a user at 2nd location 152 in order for the receipt of 'synthetic' channel listing and ultimately allowing the transfer of media to the 2nd location or by a user at a 2nd location navigating to a website where a piece of software can be downloaded and an update of EPG 153 can be triggered (*Fig.4, paragraphs 0058 & 0080*).

Claim 11 is met as previously discussed with respect to Claim 1.

Claim 12 is met as previously discussed with respect to Claim 2.

Claim 13 is met as previously discussed with respect to Claim 3.

Claim 14 is met as previously discussed with respect to Claim 4.

Claim 15 is met as previously discussed with respect to Claim 5.

Claim 18 is met as previously discussed with respect to Claim 8.

Claim 19 is met as previously discussed with respect to Claim 9.

Claim 20 is met as previously discussed with respect to Claim 10.

Claim 21 is met as previously discussed with respect to Claim 1. In addition, Novak teaches that the upload source 122 can consist of a set top box or a PC uploading media files to a server (*Fig.1; paragraph 0055 & 0056*).

Claim 22 is met as previously discussed with respect to Claim 2.

Claim 23 is met as previously discussed with respect to Claim 3.

Claim 24 is met as previously discussed with respect to Claim 4.

Claim 25 is met as previously discussed with respect to Claim 5.

Claim 28 is met as previously discussed with respect to Claim 8.

Claim 29 is met as previously discussed with respect to Claim 9.

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Claim 30 is met as previously discussed with respect to Claim 10.

With respect to Claim 31, the claimed "at least one processor is at least one of a media processing system processor, a media management system processor, a computer processor, a media exchange software processor and a media peripheral processor" is met Novak teaching an upload source 122 being a set top box or a PC (Figs.1 & 2; paragraph 0039).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6, 7, 16, 17, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Novak (US Patent Application Publication 2002/0104099)** in view of **Martin et al (US Patent 7,174,512)**.

With respect to Claim 6, the claimed "*presenting representations of locally stored media at said second location and representations of said transparently transferred media in a single constructed display*" is met in part by Novak teaching a system that allows an individual to upload media files to a server, allows scheduling the order in which they are presented to a 2nd user in a 'synthetic' channel listing included in an EPG, and transferring the media files listed in the 'synthetic' channel listing upon its selection by the 2nd location as discussed in Claim 5 above.

However, Novak does not teach that the locally stored media at the 2nd location is represented in addition to the 'transparently transferred media'. Martin et al. teaches a system that displays broadcast channels and locally or remotely stored content on one common display (*Fig.5c; col.1, lines 56-59; col.14, lines 22-25 & lines 44-47*).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the teaching of Martin et al. with those of Novak, because both Martin et al. and Novak teach displaying available media content to an end user. A person with ordinary skill in the art would have been motivated to make the modification to Novak in order to allow the additional benefit of displaying local media available for viewing by a user of the system, thereby notifying them of all the media content that is available to them.

With respect to Claim 7, the claimed *"integrating representations of broadcast media in said presented single constructed display"* is met by Novak teaching a EPG 153 that contains both a 'synthetic' channel listing 908 created by a 1st user 122 and broadcast channel listings 902, containing local and national television channels (*Fig. 9; paragraph 0074*).

Claim 16 is met as previously discussed with respect to Claim 6.

Claim 17 is met as previously discussed with respect to Claim 7.

Claim 26 is met as previously discussed with respect to Claim 6. In addition, both Novak and Martin et al. teach the use of set top boxes in the displaying of available media. Specifically, Novak discloses set top box 152 (*Fig.1*) and Martin et al. discloses set top box 1140 (*Fig. 2 & 4B*).

Claim 27 is met as previously discussed with respect to Claim 7.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

❖ Ellis et al. (United States Patent 6,774,926 B1): teaches a system in which individual contributors in a home may create personal television channel programming, which in turn may be distributed to multiple viewers over a communication network such as the Internet.

❖ Wood et al. (US Patent Application Publication 2002/0054752 A1): teaches a video data recorder that allows a user to control recording and storage of television programs into personal channels for later playback & viewing.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jorge Mendoza Jr.** whose telephone number is (571) 270-5087. The examiner can normally be reached on Monday through Thursday 9:00 am –7:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Scott Beliveau** can be reached at (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/JORGE MENDOZA JR/
Examiner, Art Unit 2623**

**/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623**